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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,729	12/27/2001	Gabriele Perego	08719.0195	1975

7590 04/16/2003

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Washington, DC 20005-3315

EXAMINER

GRAY, JILL M

ART UNIT	PAPER NUMBER
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1774

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DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026729

Applicant(s)

Perego et al

Examiner

J. Gray

Group Art Unit

1774

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Statu

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 24-57 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 24-57 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claims 43 and 53 are objected to because of the following informalities: These claims lack the proper antecedent basis for "the radical initiator". Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-27 and 30-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Publication H10-283851, hereinafter Nomura.

Nomura teaches an electric cable, composition, and process for making said cable. The insulating polymeric composition is essentially as claimed by applicants and comprises a polyethylene grafted with at least one unsaturated carboxylic acid of the general formula set forth by applicants in claims 24, 38, 47 and 56, further teaching that this carboxylic acid can be acrylic acid as required by claims 25, 31-37, 45-46 and 54-55. See page 5, lines 25-28 and page 6, lines 4-5. In addition, Nomura teaches a radical initiator of the same type contemplated by applicants in claims 34-35, 43-44 and 52-53 and that said

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initiator can be present within applicants' range as set forth in claims 26-27. As to the specific polyethylene, Nomura teaches that the polyethylene can be an ethylene homopolymer or copolymer, wherein the copolymer can be an α -olefin such as propylene and the homopolymer can be a low density polyethylene and have a density of 0.920 g/cm^3 , as required by claims 30-33, 39-42, and 48-51. See page 5, lines 22-27 and page 8, lines 21-24. As to the process step in claim 24 of coating by extrusion, Nomura teaches extruding. See page 7, lines 25-29. Regarding claims 56-57, these claims are product by process claims wherein patentability is based solely on the product.

Therefore, the prior art teachings of Nomura anticipate the invention as claimed in claims 24-27 and 30-50.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nomura, as applied above to claims 24-27 and 30-50.

Nomura is as set forth above but does not specifically teach the grafting method. It would have been obvious to produce a grafted polyethylene polymer wherein polyethylene pellets and carboxylic acid are subsequently mixed in an

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extruder because the heat of extrusion would have been sufficient to cause reaction of the carboxylic acid and polyethylene resulting in the carboxylic acid being grafted onto the polyethylene backbone.

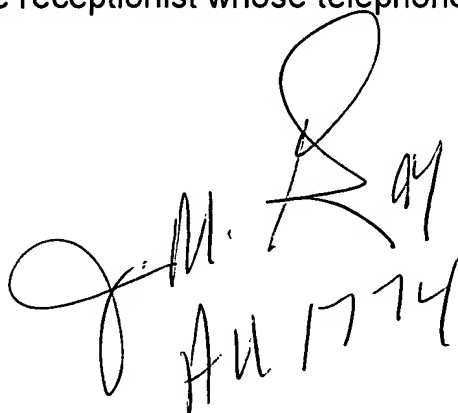
No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. M. Gray whose telephone number is 703-308-2381. The examiner can normally be reached on M - F from 10: 30 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 703-308-0449. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-308-0051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

J. M. Gray/mn
April 8, 2003

Handwritten signature of J. M. Gray and Art Unit 1774. The signature is written in black ink and includes the name "J. M. Gray" and the text "Art 1774" below it.